

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DARRELL OTIS,

Plaintiff,

-vs-

Case No. 15-C-417

**WILLIAM POLLARD, Warden,
Waupun Correctional Institution,**

Respondent.

DECISION AND ORDER

The respondent, William Pollard, opposes Darrell Otis's motion to stay this action pending the outcome of collateral proceedings in state court. Pollard also moves for an order directing Otis to provide documents relating to the timeliness of the instant petition.

The timeliness of Otis's petition appears to hinge upon the discovery of new evidence in support of his claims. 28 U.S.C. § 2244(d)(1)(D). If untimely, there would be no reason to stay these proceedings. Therefore, Pollard's motion [ECF No. 11] is **GRANTED**. Otis must provide the Court with supporting documentation, if any, regarding exactly when he discovered the prosecutors' affidavits and the visitors' log, and why he could not have discovered these materials earlier through the exercise of reasonable diligence. Otis must file these materials within **forty-five (45)**

days of the date of this Order. Pollard can file a response to Otis' submission within **thirty (30) days** thereafter.

Dated at Milwaukee, Wisconsin, this 1st day of December, 2015.

SO ORDERED:


HON. RUDOLPH T. RANDA
U.S. District Judge